

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Luther Charles

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Mott's LLP/Dr Pepper Snapple Group

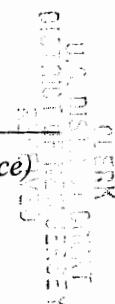
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment  
Discrimination

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial:  Yes  No  
(check one)



## I. The Parties to This Complaint

### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Luther Charles</u>
Street Address	<u>41 Llewellyn AVE</u>
City and County	<u>West Orange (ESSEX)</u>
State and Zip Code	<u>New Jersey 07052</u>
Telephone Number	<u>973-380-5500</u>

### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

#### Defendant No. 1

Name	<u>Mott's LLP</u>
Job or Title (if known)	<u>Company</u>
Street Address	<u>5301 Legacy Drive</u>
City and County	<u>Plano</u>
State and Zip Code	<u>Texas 75024</u>
Telephone Number	<u>908-414-9863</u>
E-mail Address (if known)	_____

#### Defendant No. 2

Name	<u>Dr Pepper Snapple Group</u>
Job or Title (if known)	<u>Company</u>
Street Address	<u>5301 Legacy Drive</u>
City and County	<u>Texas 75024</u>

State and Zip Code  
Telephone Number  
E-mail Address  
(if known)

Texas 75024

Defendant No. 3

Name  
Job or Title  
(if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address  
(if known)

Dan Fratangelo

Director (RDC)

433 Blair Road

Avenel (Middlesex)

New Jersey 07001

717-773-0031

Defendant No. 4

Name  
Job or Title  
(if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address  
(if known)

Christopher Liberti

General Manager

433 Blair Road

Avenel (Middlesex)

New Jersey 07001

972-333-1467

### C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name  
Street Address  
City and County  
State and Zip Code  
Telephone Number

Dr Pepper Snapple Group

433 Blair Road

Avenel (Middlesex)

New Jersey 07001

732-815-8925

## II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Other federal law (*specify the federal law*):

Section 1981 and NJLAD



Relevant state law (*specify, if known*):



Relevant city or county law (*specify, if known*):

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

Failure to hire me.  
 Termination of my employment.  
 Failure to promote me.  
 Failure to accommodate my disability.  
 Unequal terms and conditions of my employment.  
 Retaliation.  
 Other acts (*specify*): \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

7-7-16 and continuing present

C. I believe that defendant(s) (*check one*):

is/are still committing these acts against me.  
 is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (*check all that apply and explain*):

race Haitian  
 color Black  
 gender/sex \_\_\_\_\_  
 religion \_\_\_\_\_  
 national origin \_\_\_\_\_  
 age. My year of birth is \_\_\_\_\_. (*Give your year of birth only if you are asserting a claim of age discrimination.*)  
 disability or perceived disability (*specify disability*)  
\_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

The defendant consistently treats African American employees in a disparate manner compared to Hispanic and Caucasian employees. The defendant is constantly penalizing me and creating a hostile work environment amongst other employees.

---

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

**IV. Exhaustion of Federal Administrative Remedies**

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

9. 8. 2016

---

B. The Equal Employment Opportunity Commission (check one):



has not issued a Notice of Right to Sue letter.  
issued a Notice of Right to Sue letter, which I received on (date)

2.13.2017

---

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):



60 days or more have elapsed.  
less than 60 days have elapsed.

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

100 K + for hardship and mental distress

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_, 20\_\_\_.

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff \_\_\_\_\_

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Luther Charles**  
**41 Llewellyn Avenue**  
**West Orange, NJ 07052**

From: **Newark Area Office**  
**283-299 Market Street**  
**Two Gateway Center, Suite 1703**  
**Newark, NJ 07102**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**524-2016-01267**

**Gustavo A. Blanco,**  
**Investigator**

**(973) 645-6027**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

## Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age

**Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

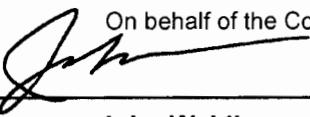
**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**FEB 13 2017**

Enclosures(s)

(Date Mailed)

  
**John Waldinger,**  
**Area Office Director**

cc:

**Joseph Benedetto**  
**HR Manager**  
**MOTTS LLP**  
**1200 Milik Street**  
**Carteret, NJ 07008**

DATE  
7-8-16

GRIEVANT'S SIGNATURE

Luther Charles.

973-380-5500

GRIEVANT - PRINT NAME

HOME PHONE NUMBER

CELL PHONE NUMBER

41 Llewellyn AVE

West Orange NJ 07052

STREET ADDRESS

APT NO.

CITY

STATE

ZIP CODE

INCIDENT

(Please provide a thorough explanation of your Grievance and the date it occurred. Attach an additional sheet if necessary)

On 7-6-16 supervisor Pete ASKED ME to work overtime OT at 9:15PM I accepted on the condition that management would comply with Article 15.76) At 10:30P co-workers Jose Lamos, Jose Erazo, AXEL, & Diego Muñiz ADVISED me that supervisor Pete SAID Break is at 12AM & we must remain on the high-tows until 12AM. At that point I kindly declined the OT because I was feeling very dehydrated because of the extreme heat in the warehouse; I told supervisor Pete I could not wait until 12AM for a next break. He then SAID I was free to go home. \* see Attached \*

IDENTIFY THE SPECIFIC ARTICLE(S) OF THE CONTRACT VIOLATED

Article 6, Article 80, Injust suspension,  
Discrimination, Retaliation

REMEDY REQUESTED

Desire to be removed & compensation 7-7-16  
(12 hrs.)

RECEIVED BY

UD (Print Name) Luther Charles (Signature) \_\_\_\_\_ (Date) \_\_\_\_\_  
ER (Print Name) Luther Charles (Signature) CH (Date) 7/16/16

STEP Date Responded 8/1/16 Grievant's Signature Reserve T  
Steward's Signature [Signature] Manager's Signature anita

EE DENIED

STEP Received By: \_\_\_\_\_ Date \_\_\_\_\_  
Date Responded \_\_\_\_\_ Grievant's Signature \_\_\_\_\_  
Steward's Signature \_\_\_\_\_ Manager's Signature \_\_\_\_\_

D RECOMMENDED TO WRITTEN WARNING ON  
EMENT the 18th without judgment or

EF Received By: \_\_\_\_\_ Date 8/25/16  
Date Responded \_\_\_\_\_ Grievant's Signature \_\_\_\_\_  
Union Official Sign [Signature] Manager's Signature \_\_\_\_\_

MENT  
Neither this resolution nor consideration provided herein shall be construed as admission of wrongdoing, breach of contract, or misapplication of the contract on the part of my Party. Joseph Berkman - Resolution 8/25/16

TEAMSTERS LOCAL #125 2-2

On 7.7.16 I was advised that Eli Berno which I have more seniority over in the company was called in early for O.T. This is a violation of Article (20)

I reported to work as scheduled at 2pm & was told at 3pm I was suspended because I refused work the day before which was not warranted. I was the only employee suspended because of this action. I feel the management of DPSG/RDC is being biased & feel discriminated against me as an Employee.

I am concerned in lost wages for the day 7.7.16 I am requesting this suspension to be removed and to be compensated for 7.7.16 (12 hrs). I also asked for more training from DPSG/RDC management when it comes to dealing with its employees.

Sincerely  
Jeffrey Clark

7.8.16

**MEMORANDUM**

This memorandum memorializes the meeting with Local 125 Business Agent - Paxton Ryan, Director of Transportation and Warehousing - Dan Fratangelo, Logistics Manager - Chris Liberti, HR Manager - Joe Benedetto, and Warehouse Workers, Luther Charles and Jose Ramos from Wednesday, September 28<sup>th</sup>, 2016. The meeting was established in connection with concerns over professionalism and utilized to settle any outstanding trepidations and reiterate the Company and Union's expectations to adhere to the site's Work Rules, specifically the Code of Conduct and respective, CBA.

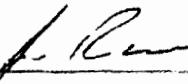
All involved parties proactively commenced the aforementioned meeting with the sole intent to maintain a safe work environment and promote the operating rules that help the Company achieve their goals together with individual responsibility and good judgment. All involved parties recognized the effort to reinforce the expectations and standards while attempting to avoid future conflict. Further, this meeting served as a formal warning on workplace expectations, including co-worker interactions and professionalism.

Luther Charles and Jose Ramos also received a re-issuance of the Company's Code of Conduct policy and amicably recognize their obligations to strive toward a safe and inclusive work place. Non-conformance to expectations shall be dealt with accordingly.

Acknowledged and accepted by:

Luther Charles:   
\_\_\_\_\_  
Date: 9/30/16

Dan Fratangelo:   
\_\_\_\_\_  
Date: 9/30/16

Jose Ramos:   
\_\_\_\_\_  
Date: 9/30/16

Christopher Liberti:   
\_\_\_\_\_  
Date: 9/30/16

Paxton Ryan:   
\_\_\_\_\_  
Date: 10/3/16

Joe Benedetto:   
\_\_\_\_\_  
Date: 9/30/16